

43

Entered - 10-21-99 SB
CL 99L0678 -MICHAEL A. REEVES
00-*R*-0165

CLAIM OF: **DEBBY ANDERSON**
through her attorney
DAVID E. TUSZYNSKI, ESQ.
125 Church Street
Suite 350
Marietta, Georgia 30060

For damages alleged to have been sustained as a
result of an apartment fire on April 18, 1999, at
2381 Leila Lane.

THIS ADVERSED REPORT IS

APPROVED:

Rosalind Rubens Newell
ROSALIND A. RUBENS NEWELL
DEPUTY CITY ATTORNEY

LOSS REPORT

Public Safety

2/15/2000
Debbie Anderson

Debbie Anderson

Debbie Anderson

Debbie Anderson

ADVERSED BY
CITY COUNCIL FEB 21 2000

CERTIFIED
FEB 21 2000
John M. Spaw
COUNCIL PRESIDENT PROTEM

CERTIFIED
FEB 21 2000
Paul Douglas
MUNICIPAL CLERK



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

February 28, 2000

David E. Tuszynski
Attorney at Law
125 Church Street
Suite 350
Marietta, GA 30060

00-R-0165

RE: Debby Anderson

Dear Attorney Tuszynski:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on February 21, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0678

Date: January 25, 2000

Claimant /Victim **DEBBY ANDERSON**

BY: (Atty.) (Ins. Co.) David E. Tuszynski, Esq.

Address 125 Church Street, Suite 350, Marietta, Georgia 30060

Subrogation Claim for Property damage \$ 1,000,000.00 Bodily Injury \$

Date of Notice 10/13/99 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 04/18/99 Place 2381 Leila Lane

Department Fire Bureau Division

Employee involved Dept.Action

NATURE OF CLAIM: The claimant alleged that the City of Atlanta Fire Department was negligent in their failure to inspect and maintain fire hydrants near her property and that her property was damaged due to a fire. The investigation determined that the Fire Department had prior to the fire inspected City's fire hydrants in close proximity to subject address. Some hydrants were found to be not functioning due to mechanical problems and vandalism. Some of the hydrants were found to be working properly. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams X Reports: Police Dept.Report X Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

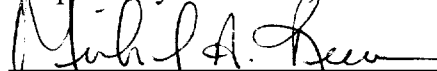
Improper Notice More than Six Months Other X Damages reasonable

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

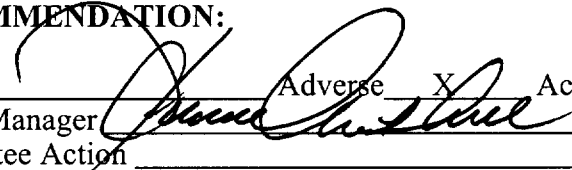
Respectfully submitted,



INVESTIGATOR - MICHAEL A. REEVES

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01

Claims Manager  Concur/date 02-03-00

Committee Action Council Action

THE TUSZYNSKI LAW FIRM

David E. Tuszyński, P.C.
E-mail: detpc@vivid.net

Of Counsel:
Michael Famiglietti, Esq.
E-mail: mfamigli@vivid.net

**Marietta Station
125 Church Street
Suite 350
Marietta, Georgia 30060**

Reeves
10/13/99
OK

Telephone: 770-426-4710

Toll Free: 888-382-4710

Facsimile: 770-218-5565

ENTERED - 10-21-99 - SB
99L0678 - MIKE REEVES

October 6, 1999

CERTIFIED MAIL RETURN RECEIPT REQUESTED

CERTIFIED MAIL NUMBER: Z 317 374 657

Atlanta City Council
55 Trinity Avenue, S.W.
Suite 2900
Atlanta, Georgia 30335

RE: **NOTICE OF CLAIM - O.C.G.A. §36-33-5**
My Client/Claimant: Debby Anderson
Date of Loss: 4/18/99

Dear Council Members:

This will present the claims of Debby Anderson against the City of Atlanta for property damage and personal injury occurring on April 18, 1999 as a result of the negligence of the City of Atlanta, its employees or agents.

On April 18, 1999, Debby Anderson and her family lived in the Leila Valley Apartments at 2381 Leila Lane in Atlanta, when a fire broke out due to a faulty electrical outlet. The City of Atlanta Fire Department was called to the scene only to be presented with fire hydrants that did not work. As the Fire Department officials stood by without water to fight the fire, Ms. Anderson's apartment and substantially all of her personal belongings were destroyed by fire. In an effort to rescue what she could of her belongings, Ms. Anderson sustained injuries to her back and neck for which she subsequently received medical treatment.

The negligence of the City of Atlanta, its employees or agents in failing to properly maintain the water hydrants at the Leila Valley Apartments resulted in the destruction of substantially all of Ms. Anderson's personal property and the injuries to her back and neck.

Ms. Anderson's damages include the following:

1. Property Damage: \$17,247.40
(An itemized schedule of property
is attached).

Atlanta City Council
NOTICE OF CLAIM – O.C.G.A. §36-33-5
October 6, 1999
Page Two

2. Medical Bills: \$2,704.00
(Copies of the medical bills and doctor's records are enclosed).

Also, enclosed is a copy of the City of Atlanta fire report investigating the fire and a copy of an article from the *Atlanta Constitution* concerning the lack of operable fire hydrants at the time of the fire.

The destruction of substantially all of Ms. Anderson's property was a devastating loss; she has been forced to start over again. Her injuries have been debilitating and caused her significant pain. In order to conclude her claims against the City of Atlanta the amount of \$35,000.00 is requested.

Your prompt review and payment of Ms. Anderson's claim is appreciated.

THE TUSZYNSKI LAW FIRM

BY: 
DAVID E. TUSZYNSKI

DET/ljf
Enclosure

cc: Susan Pease Langford, Esq.
Atlanta City Attorney
68 Mitchell Street, Suite 4100
Atlanta, Georgia 30303
(By Certified Mail – RRR - #Z317-374-655)

Ms. Debby Anderson

00-*R*-0165

RCS# 1771
2/21/00
2:37 PM

Atlanta City Council

Regular Session

CONSENT AGENDA PAGES (1 - 9)

ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEMS REMOVED FROM
CONSENT AGENDA

00-O-0122
00-O-0123
00-R-0202
00-R-0020

00-O-0212 - Councilmember
Boazman Abstained

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 99-O-2072
2. 99-O-2073
3. 00-O-0127
4. 00-O-0124
5. 00-O-0126
6. 00-O-0066
7. 00-O-0125
8. 00-O-0211
9. 00-O-0212 *
10. 00-O-0213
11. 00-O-0207
12. 00-R-0220
13. 00-R-0196
14. 00-R-0209
15. 00-R-0180
16. 00-R-0176
17. 00-R-0174
18. 00-R-0145
19. 00-R-0146
20. 00-R-0147
21. 00-R-0148
22. 00-R-0149
23. 00-R-0150
24. 00-R-0151
25. 00-R-0152
26. 00-R-0153
27. 00-R-0154
28. 00-R-0155
29. 00-R-0156
30. 00-R-0157
31. 00-R-0158
32. 00-R-0159
33. 00-R-0160

**02/21/00 Council Meeting
ITEMS ADVERSED ON
CONSENT AGENDA**

34. 00-R-0161
35. 00-R-0162
36. 00-R-0163
37. 00-R-0164
38. 00-R-0165
39. 00-R-0166
40. 00-R-0167
41. 00-R-0168
42. 00-R-0169
43. 00-R-0170
44. 00-R-0171
45. 00-R-0172
46. 00-R-0173
47. 00-R-0175

* Councilmember Boazman
abstained from voting on item 00-
O-0212.